

## **Remarks**

### Status of application

Applicant appreciates the Examiner's courtesy of a telephone interview on April 14, 2009. Further to the discussions with the Examiner, Applicant has amended claims 1 and 45 to address the Examiner's rejection of these claims under 35 USC Section 101. Applicant has also canceled claim 24. Applicant is filing this Supplemental Amendment in an effort to address these non-art rejections of Applicant's claims. Applicant also requests reconsideration of the prior art rejections for the reasons set forth in Applicant's previously filed Amendment and Appeal Brief .

### General

#### A. Section 101 rejection

As described in Applicant's previously filed response, claims 1-22 and 24 stand rejected under 35 USC Section 101 on the basis that they are directed towards non-statutory subject matter. Further to the discussion with the Examiner on April 14, 2009, Applicant has amended claims 1 and 45 to include claim limitations of providing that the Applicant's invention is implemented in a computer having at least a processor and memory in the body of these claims. In view of these amendments, it is respectfully submitted that the rejection of Applicant's claims under Section 101 is overcome.

#### B. Section 112 rejection

Applicant has canceled claim 24, thereby overcoming the Examiner's rejection of such claim under 35 USC Section 112, fourth paragraph.

### Conclusion

In view of the foregoing remarks and the amendment to the claims, it is believed that the rejection of Applicant's claims under Sections 101 and 112 is overcome. Applicant also requests reconsideration of the prior art rejections for the reasons discussed in detail in Applicant's recently filed Amendment as well as those set forth in Applicant's previously filed Appeal Brief.

If for any reason the Examiner feels that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 925 465 0361.

Respectfully submitted,

Date: April 14, 2009

/G. Mack Riddle/

G. Mack Riddle, Reg. No. 55,572  
Attorney of Record

925 465-0361  
925 465-8143 FAX